

P29298.A01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Katrin COUNRADI et al.

Confirmation No. 4896

Appl. No. : 10/573,323

Group Art Unit: 1751

I. A. Filed : September 23, 2004

Examiner: not yet assigned

For : FOAMING PREPARATION WITH A YIELD POINT

### INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Amendment  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Pursuant to 37 C.F.R. § 1.56 and 37 C.F.R. §§ 1.97-1.98, Applicants hereby direct the Examiner's attention to the following documents cited in the International Search Report for International Application PCT/EP2004/010668 of which the above-referenced application is a National Stage:

- (1) WO 01/76552 A2, October 18, 2001; Applicants note that this document is cited and discussed in the present application, beginning at page 5, paragraph [0028];
- (2) U.S. Patent No. 6,635,702 B1 (SCHMUCKER-CASTNER et al.), October 21, 2003; Applicants note that this document is a family member of document (1);
- (3) U.S. Patent Application Publication No. 2004/0087668 A1 (SCHMUCKER-CASTNER et al.), May 6, 2004; Applicants note that this document is a family member of documents (1) and (2);
- (4) U.S. Patent Application Publication No. 2005/0158268 A1 (SCHMUCKER-CASTNER et

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al.), July 21, 2005; Applicants note that this document is a family member of documents (1)-(3);

- (5) WO 2004/014333 A1, February 19, 2004;
- (6) U.S. Patent Application Publication No. 2006/0120986 A1 (ALBRECHT et al.), June 8, 2006; Applicants note that this document is a family member of document (5);
- (7) WO 2004/006870 A2, January 22, 2004;
- (8) DE 101 48 393 A1, April 24, 2003, accompanied by an English language abstract thereof (provided by esp@cenet);
- (9) U.S. Patent No. 6,287,583 B1 (WARREN et al.), September 11, 2001;
- (10) U.S. Patent No. 6,280,758 B1 (WARREN et al.), August 28, 2001; Applicants note that this document is a family member of document (9);
- (11) WO 95/20641 A1, August 3, 1995;
- (12) U.S. Patent Application Publication No. 2004/0023820 A1 (PATEL), February 5, 2004;
- (13) EP 1 160 005 A1, December 5, 2001;
- (14) U.S. Patent Application Publication No. 2003/0206955 A1 (SONNEVILLE-AUBRUN et al.), November 6, 2003; Applicants note that this document is a family member of document (13).

Applicants further direct the Examiner's attention to the following documents cited in the German Search Report of German Application DE 103 44 527.7, of which the above-identified application claims priority:

- (15) DE 198 14 608 C1, September 23, 1999, accompanied by an English language abstract thereof (provided by esp@cenet); this document is categorized in the German Search

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Report as Y document, i.e. casting doubt on non-obviousness in combination with other documents. The following passages of this document are indicated as relevant: Page 9, Example 3;

- (16) DE 44 39 642 C1, January 11, 1996, accompanied by an English language abstract thereof (provided by esp@cenet); this document is categorized in the German Search Report as Y document, i.e. casting doubt on non-obviousness in combination with other documents.

The following passages of this document are indicated as relevant: Examples;

- (17) DE 198 54 827 A1, June 8, 2000; this document is categorized in the German Search Report as Y document, i.e. casting doubt on non-obviousness in combination with other documents. The following passages of this document are indicated as relevant: Examples;

- (18) AU 760248, June 19, 2000; Applicants note that this document is an English language family member of document (17);

- (19) DE 102 21 813 A1, November 27, 2003, accompanied by an English language abstract thereof (provided by esp@cenet); this document is categorized in the German Search Report as X document, i.e. casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: Examples 1-5;

- (20) DE 101 47 049 A1, April 10, 2003; this document is categorized in the German Search Report as X document, i.e. casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: Examples 4,5;

- (21) U.S. Patent Application Publication No. 2005/0048017 A1 (STRASSNER et al.), March 3, 2005; Applicants note that this document is a family member of document (20);

- (22) DE 101 07 216 A1, August 22, 2002; this document is categorized in the German Search Report as Y document, i.e. casting doubt on non-obviousness in combination with other

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documents. The following passages of this document are indicated as relevant: Claims 1-8, page 20, [0177]-[0190];

- (23) DE 42 34 405 A1, April 14, 1994; this document is categorized in the German Search Report as X and Y document, i.e. casting doubt on novelty or non-obviousness by itself and casting doubt on non-obviousness in combination with other documents. The following passages of this document are indicated as relevant: Claim 4, page 3, lines 6-30, page 4, lines 21-29;
- (24) U.S. Patent No. 6,056,947 (KAHRE et al.), May 2, 2000; Applicants note that this document is a family member of document (23);
- (25) U.S. Patent No. 6,555,101 B1 (KAHRE et al.), April 29, 2003; Applicants note that this document is a family member of documents (23) and (24);
- (26) DE 39 29 973 A1, March 14, 1991, accompanied by an English language abstract thereof (provided by esp@cenet); this document is categorized in the German Search Report as Y document, i.e. casting doubt on non-obviousness in combination with other documents. The following passages of this document are indicated as relevant: Claims 1-11;
- (27) DE 692 04 978 T2, February 4, 1993; this document is categorized in the German Search Report as Y document, i.e. casting doubt on non-obviousness in combination with other documents. The following passages of this document are indicated as relevant: Claim 1, example 2;
- (28) U.S. Patent No. 5,519,063 (MONDET et al.), May 21, 1996; Applicants note that this document is a family member of document (27);
- (29) GB 2 283 754 A, May 17, 1995; this document is categorized in the German Search Report as Y document, i.e. casting doubt on non-obviousness in combination with other

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documents. The following passages of this document are indicated as relevant: Claim 1, examples 1-6;

- (30) U.S. Patent Application Publication No. 2003/0147825 A1 (CHIARELLI et al.), August 7, 2003; this document is categorized in the German Search Report as X document, i.e. casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: Claims 1, 24, page 7, [0081];
- (31) U.S. Patent Application Publication No. 2003/0059392 A1 (L'ALLORET), March 27, 2003; this document is categorized in the German Search Report as X document, i.e. casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: Claims 1, 5, 10, 41, paragraph [0211];
- (32) U.S. Patent No. 6,533,873 B1 (MARGOSIAK et al.), March 18, 2003; this document is categorized in the German Search Report as Y document, i.e. casting doubt on non-obviousness in combination with other documents. Table 1 of this document is indicated as relevant;
- (33) EP 1 055 425 A2, November 29, 2000; this document is categorized in the German Search Report as X document, i.e. casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: Examples 1-3;
- (34) WO 03/039498 A2, May 15, 2003; this document is categorized in the German Search Report as X document, i.e. casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: Page 11, examples 4, 5;
- (35) U.S. Patent Application Publication No. 2005/0032656 A1 (STRASSNER et al.), February 10, 2005; Applicants note that this document is a family member of document (34);
- (36) WO 97/32559 A1, September 12, 1997; this document is categorized in the German Search

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Report as Y document, i.e. casting doubt on non-obviousness in combination with other documents. The following passages of this document are indicated as relevant: Examples 2, 3, 6;

- (37) WO 96/17917 A1, June 13, 1996; this document is categorized in the German Search Report as Y document, i.e. casting doubt on non-obviousness in combination with other documents. The following passages of this document are indicated as relevant: Page 13, examples, page 19, 2<sup>nd</sup> paragraph, page 9, 2<sup>nd</sup> paragraph;
- (38) WO 96/17916 A1, June 13, 1996; this document is categorized in the German Search Report as X and Y document, i.e. casting doubt on novelty or non-obviousness by itself and casting doubt on non-obviousness in combination with other documents. The following passages of this document are indicated as relevant: Claims 1, 13;
- (39) WO 01/19946 A1, March 22, 2001; this document is categorized in the German Search Report as Y document, i.e. casting doubt on non-obviousness in combination with other documents. Claim 1 of this document is indicated as relevant; Applicants note that this document is cited and discussed in the present application, beginning at page 5, [0028];
- (40) WO 92/13513 A1, August 20, 1992; this document is categorized in the German Search Report as Y document, i.e. casting doubt on non-obviousness in combination with other documents. The following passages of this document are indicated as relevant: Claims 1-15, examples.

Furthermore, Applicants direct the Examiner's attention to the following additional document which is cited in the present application:

- (41) EP 0 738 509 B1, September 3, 2003; Applicants note that this document is cited and

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discussed in the present application, beginning at page 5, [0027].

Copies of the above-listed documents (with the exception of U.S. patents and U.S. patent applications), the International Search Report for International Application PCT/EP2004/010668 (in German and English) and the German Search Report of German Application DE 103 44 527.7 (in German) are enclosed together with a completed copy of the Form PTO-1449 listing these documents. Accordingly, the Examiner is requested to consider these documents and to indicate such consideration by returning a signed and initialed copy of the Form PTO-1449 with the next official communication.

Further to 37 C.F.R. §1.98 (a)(2)(ii), copies of the U.S. patents and patent applications cited above are not enclosed herewith. However, if any copies are needed, the Examiner is respectfully requested to contact the undersigned.

Applicants note that an Office Action on the merits has not yet issued in the instant application, and thus, no fee is necessary to ensure consideration of this statement. However, if an Office Action has issued and is crossing in the mail with this statement, the Patent and Trademark Office is hereby authorized to charge Deposit Account No. 19-0089 any fee necessary to ensure consideration of the submitted materials.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed number.

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Respectfully submitted,  
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FORM PTO-1449

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Patent and Trademark Office

Atty. Docket No.  
P29298

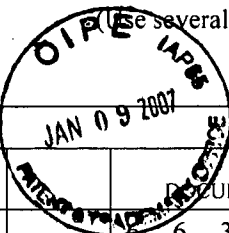
Application No.  
10/573,323

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BY APPLICANT**

(Use several sheets if necessary)

Applicant  
Katrin COUNRADI et al.

Filing Date  
I.A. Filed September 23,  
2004

Group  
1751

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
/BM/	6 3 5 7 0 2	10/21/03	SCHMUCKER-CASTNER et al.			
	2004 / 0 0 8 7 6 6 8	05/06/04	SCHMUCKER-CASTNER et al.			
	2005 / 0 1 5 8 2 6 8	07/21/05	SCHMUCKER-CASTNER et al.			
	2006 / 0 1 2 0 9 8 6	06/08/06	ALBRECHT et al.			
	6 2 8 7 5 8 3	09/11/01	WARREN et al.			
	6 2 8 0 7 5 8	08/28/01	WARREN et al.			
	2004 / 0 0 2 3 8 2 0	02/05/04	PATEL			
	2003 / 0 2 0 6 9 5 5	11/06/03	SONNEVILLE-AUBRUN et al.			
	2005 / 0 0 4 8 0 1 7	03/03/05	STRASSNER et al.			
	6 0 5 6 9 4 7	05/02/00	KAHRE et al.			
	6 5 5 5 1 0 1	04/29/03	KAHRE et al.			
	5 5 1 9 0 6 3	05/21/96	MONDET et al.			
	2003 / 0 1 4 7 8 2 5	08/07/03	CHIARELLI et al.			
	2003 / 0 0 5 9 3 9 2	03/27/03	L'ALLORET			
	6 5 3 3 8 7 3	03/18/03	MARGOSIAK et al.			
/BM/	2005 / 0 0 3 2 6 5 6	02/10/05	STRASSNER et al.			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
/BM/	0 1 / 7 6 5 5 2	10/18/01	W.I.P.O.			
	2004 / 0 1 4 3 3 3	02/19/04	W.I.P.O.			
	2004 / 0 0 6 8 7 0	01/22/04	W.I.P.O.			
	1 0 1 4 8 3 9 3	04/24/03	GERMANY			
	9 5 / 2 0 6 4 1	08/03/95	W.I.P.O.			
	1 1 6 0 0 0 5	12/05/01	E.P.O.			
	1 9 8 1 4 6 0 8	09/23/99	GERMANY			
	4 4 3 9 6 4 2	01/11/96	GERMANY			
	1 9 8 5 4 8 2 7	06/08/00	GERMANY			
	7 6 0 2 4 8	06/19/00	AUSTRALIA			
	1 0 2 2 1 8 1 3	11/27/03	GERMANY			
/BM/	1 0 1 4 7 0 4 9	04/10/03	GERMANY			

EXAMINER /Brian Mruk/

DATE CONSIDERED 12/02/2008

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449

U.S. Department of Commerce  
Patent and Trademark Office

Atty. Docket No.  
P29298

Application No.  
10/573,323

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(attach several sheets if necessary)

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
/BM/	1	0 1 0 7 2 1 6	08/22/02	GERMANY				
		4 2 3 4 4 0 5	04/14/94	GERMANY				
		3 9 2 9 9 7 3	03/14/91	GERMANY				
	6	9 2 0 4 9 7 8	02/04/93	GERMANY				
		2 2 8 3 7 5 4	05/17/95	UNITED KINGDOM				
		1 0 5 5 4 2 5	11/29/00	E.P.O.				
	0 3	/ 0 3 9 4 9 8	05/15/03	W.I.P.O.				
	9	7 / 3 2 5 5 9	09/12/97	W.I.P.O.				
	9	6 / 1 7 9 1 7	06/13/96	W.I.P.O.				
	9	6 / 1 7 9 1 6	06/13/96	W.I.P.O.				
	0	1 / 1 9 9 4 6	03/22/01	W.I.P.O.				
	9	2 / 1 3 5 1 3	08/20/92	W.I.P.O.				
/BM/		0 7 3 8 5 0 9	09/03/03	E.P.O.				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

/BM/		English Language Abstract of DE 101 48 393.	April 24, 2003
		English Language Abstract of DE 198 14 608.	September 23, 1999
		English Language Abstract of DE 44 39 642.	January 11, 1996
		English Language Abstract of DE 102 21 813.	November 27, 2003
/BM/		English Language Abstract of DE 39 29 973.	March 14, 1991

EXAMINER /Brian Mruk/

DATE CONSIDERED 12/02/2008

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.